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28
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

18 IN RE COLLEGE ATHLETE NIL
19 LITIGATION

20 **Case No. 4:20-cv-03919-CW**

21 **STIPULATION AND [PROPOSED] ORDER
EXTENDING CASE DEADLINES**

22 Hon. Claudia Wilken

1 Pursuant to Northern District of California Local Rules 6-2 and 7-12, Plaintiffs in the above-
2 captioned action and Defendants National Collegiate Athletic Association, Atlantic Coast Conference,
3 The Big Ten Conference, Inc., The Big 12 Conference, Inc., Pac-12 Conference, and Southeastern
4 Conference (collectively, "Defendants," and together with Plaintiffs, the "Parties"), by and through
5 their respective undersigned counsel, submit the following Stipulation seeking an order extending
6 certain case deadlines:

7 WHEREAS, on December 2, 2020, Plaintiffs served their First Set of Requests for Production
8 of Documents on Defendants, and on April 16, 2021, Defendants served their First Set of Requests for
9 Production of Documents on Plaintiffs;

10 WHEREAS, on May 24, 2021, the Parties filed a Stipulation for Order Extending Case
11 Deadlines which was granted by the Court on May 25, 2021 (ECF Nos. 150, 151);

12 WHEREAS, Plaintiffs contend certain recent and upcoming events are relevant to Plaintiffs'
13 claims and Defendants' defenses, and as a result, Plaintiffs have asked Defendants to supplement their
14 document productions in response to Plaintiffs' First Set of Requests for Production of Documents,
15 and Plaintiffs have served a Second Set of Requests for Production of Documents;

16 WHEREAS, the Parties are meeting and conferring in good faith regarding (1) the scope of
17 search terms, custodians and collection time periods for supplemental productions of documents in
18 response to the Plaintiffs' First Set of Requests for Production of Documents and (2) the scope of
19 document categories, search terms, custodians and collection time periods for productions of
20 documents in response to Plaintiffs' Second Set of Requests for Production of Documents; and

21 WHEREAS, Plaintiffs have requested modification of the Scheduling Order to accommodate
22 this additional discovery requested and Defendants are willing to agree, subject to the terms of this
23 stipulation.

24 THEREFORE, the Parties agree and stipulate that:

1) Subject to agreement on custodians, search terms and collection time periods, Defendants will substantially complete supplemental productions of documents in response to Plaintiffs' First Set of Requests for Production of Documents and, subject to agreement on document categories, search terms, custodians and collection time periods, Defendants will substantially complete productions of documents in response to Plaintiffs' Second Set of Requests for Production of Documents by April 1, 2022.

2) The Parties will meet and confer regarding an additional supplemental production in response to Plaintiffs' First and Second Sets of Requests for Production to the extent it is appropriate and necessary after April 1, 2022 and seek to reach agreement on collection time periods, custodians, and search terms.

3) Plaintiffs will make supplemental productions of documents in response to Defendants' First Set of Requests for Production at the same intervals as Defendants.

4) Subject to the agreements contemplated by paragraphs 1 and 2 above, Plaintiffs agree not to seek further supplementation of the First or Second Sets of Requests for Production with search terms and custodians beyond the supplementation contemplated by paragraphs 1 and 2 above. Plaintiffs reserve their rights to seek additional documents based on deficiencies in Defendants' productions. Defendants agree to meet and confer in good faith about any asserted deficiencies and to supplement discrete categories of agreed-upon documents including financial statements and agreements, which may already be the subject of agreements reached during the meet and confer process.

5) The Parties understand the Court has referred discovery disputes to Magistrate Judge Cousins. ECF No. 125 at 47:6–11

6) The Parties request that the Court issue an order modifying the case deadlines as follows:

EVENT	CURRENT DATE	PROPOSED DATE
Substantial Completion of Parties' First Supplemental Productions of Documents and Defendants' Productions of Documents	n/a	April 1, 2022

1	Responsive to Second Set of Requests ¹		
2	Class Certification Motion and Supporting Expert Reports	February 22, 2022	June 22, 2022
3	Deadline to Depose Plaintiffs' Class Experts	April 29, 2022	September 12, 2022
4	Class Certification Opposition and Supporting Expert Reports	May 31, 2022	October 12, 2022
5	Deadline to Depose Defendants' Class Experts	June 28, 2022	November 25, 2022
6	Class Certification Reply and Expert Rebuttal Report	August 2, 2022	December 14, 2022
7	Deadline for Supplemental Depositions of Plaintiffs' Class Experts	No supplemental depositions shall be permitted without agreement of the parties or leave of the Court	No supplemental depositions shall be permitted without agreement of the parties or leave of the Court
8	Hearing on Class Certification	August 31, 2022 at 2:30pm	January 25, 2023 at 2:30pm or at the Court's convenience
9	Merits Discovery Cut-Off	November 11, 2022	March 27, 2023
10	Merits Expert Disclosure (Including Reports) on Issues at to Which Party Bears the Burden at Trial	December 15, 2022	May 1, 2023
11	Merits Expert Response	February 10, 2023	June 27, 2023
12	Merits Expert Reply	March 8, 2023	July 24, 2023
13	Expert Discovery Cut-Off	April 12, 2023	August 28, 2023
14	Plaintiffs' Dispositive Motion and <i>Daubert</i> Motions	May 16, 2023	October 2, 2023
15	Defendants' (1) Opposition to Plaintiffs' Dispositive Motion and <i>Daubert</i> Motions and (2) Dispositive Motion and <i>Daubert</i> Motions	June 29, 2023	November 15, 2023

1 The Parties will make rolling productions as soon as documents are ready to be produced.

1	Plaintiffs' (1) Reply in Support of their Dispositive Motion and <i>Daubert</i> Motions and (2) Opposition to Defendants' Dispositive Motion and <i>Daubert</i> Motions	August 11, 2023	December 28, 2023
4	Defendants' Reply in Support of their Dispositive Motion and <i>Daubert</i> Motions	September 8, 2023	January 25, 2024
6	Hearing on All Dispositive and <i>Daubert</i> Motions and Further Case Management Conference	October 25, 2023 at 2:30pm	March 27, 2024 at 2:30pm or at the Court's convenience
8	Trial Date	January 9, 2024	May 20, 2024

1 Dated: November 5, 2021

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27 Respectfully submitted,

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Jeffrey L. Kessler
JEFFREY L. KESSLER

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

THE HONORABLE CLAUDIA WILKEN
United States District Court Judge